

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32383 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- NARPATGANJ District- Araria

1. Binoj Kumar @ Binod Kumar @ Abhiseikh Binoj Kumar Son Of Kirpa Nath Khatwe @ Kriparam Khatve Resident Of Village- Bela, W. No. 6, P.S. Narpatganj (Basmatiya O.P.), District- Araria.
2. Ramnath Khatwe Son Of Laxman Khatwe Resident Of Village- Bela, W. No. 6, P.S. Narpatganj (Basmatiya O.P.), District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Adv.
	:	Mr. Shabina T., Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-06-2023 Let the defect(s), if any, be removed within two weeks from today.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with Narpatganj (Basmatiya) P.S. Case No.09 of 2023 registered on 03.01.2023 lodged under Sections 21(c), 22, 23 of the NDPS Act.

4. As per the prosecution case, F.I.R. has been lodged against two named accused persons including the present petitioner. From the F.I.R. it transpires that total recovery of 24 gm brown sugar has been made from the possession of the

petitioners, who were going on a motorcycle with some materials, which are not NDPS materials.

5. Counsel for the petitioners submits that nothing has recovered from the possession of the petitioner no.1, whereas, recovery of 24 gm of brown sugar has been made from the possession of the petitioner no.2. He further submits that quantity of the NDPS material is lesser than the commercial quantity, which is 250 gm, whereas recovery of 24 gm has been made in this case.

6. Counsel further submits that petitioners are innocent and have committed no offence. He further submits that petitioners are in custody since 04.01.2022 having clean antecedent. Counsel also submits that a gross violation of Section 100 of the Code of Criminal Procedure and Section 50 of the NDPS act has taken place in this case.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge,

NDPS Act, Araria in connection with Narpatganj (Basmatiya)
P.S. Case No.09 of 2023, subject to the conditions as laid down
under Section 437(3) of Cr.P.C.

9. With this observation, the bail application stands
allowed.

Ashishsingh/-

(Dr. Anshuman, J.)

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